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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                   SKANSKA USA BUILDING INC.,

CASE NO. C19-0402JLR

11                   Plaintiff,

ORDER TO SHOW CAUSE  
REGARDING SUBJECT  
MATTER JURISDICTION

12                   v.

13                   1200 HOWELL STREET LLC,

14                   Defendant.

15                 Before the court is Plaintiff Skanska USA Building Inc.'s ("Skanska") complaint.

16 (Compl. (Dkt. # 1).) The court has reviewed Skanska's complaint, and finds that Skanska  
17 has failed to allege an adequate basis for the court's subject matter jurisdiction. The  
18 court, therefore, ORDERS Skanska within seven (7) days of the date of this order to  
19 serve and file a submission providing the following information:

20                 Skanska asserts two grounds for the court's subject matter jurisdiction: (1) the  
21 Declaratory Judgment Act, 28 U.S.C. § 2201, and (2) diversity of citizenship under 28

1 U.S.C. § 1332. (Compl. ¶ 1.1.) As explained below, these allegations are insufficient for  
2 two reasons.

3 First, the Declaratory Judgment Act does not provide an independent basis for  
4 federal subject matter jurisdiction. *See Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S.  
5 667, 671 (1950); *see also Nationwide Mut. Ins. Co. v. Liberatore*, 408 F.3d 1158, 1161  
6 (9th Cir. 2005) (“[T]he Declaratory Judgment Act does not by itself confer federal  
7 subject-matter jurisdiction . . .”). Rather, the Act vests a district court with discretion to  
8 hear an action which is already within its jurisdiction. *See* 28 U.S.C. § 2201(a). Thus,  
9 Skanska’s first ground for asserting the court’s subject matter jurisdiction is inadequate.

10 Second, for purposes of assessing diversity jurisdiction under 28 U.S.C. § 1332,  
11 the court must consider the domicile of all members of a limited liability company.  
12 *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *see also*  
13 Local Rules W.D. Wash. LCR 8(a). Skanska alleges that Defendant 1200 Howell Street,  
14 LLC (“Howell”) is a Washington limited liability company with its principal place of  
15 business in King County, Washington. (Compl. ¶ 2.2.) Yet, Skanska fails to allege the  
16 domicile of any of Howell’s members. (*See generally id.*) Absent allegations of the  
17 domicile of all of Howell’s members, the court cannot determine if Skanska has properly  
18 invoked this court’s subject matter jurisdiction on the basis of the parties’ diversity of  
19 citizenship.<sup>1</sup>

20 \_\_\_\_\_  
21 <sup>1</sup> The court also notes that if any member of Howell is itself a limited liability company,  
22 Skanska must provide information about the citizenship of that member as well, which is  
determined in the same manner described above—by establishing the domicile of each member  
of that limited liability company. *See Johnson*, 437 F.3d at 899 (examining the citizenship of a

1       Accordingly, the court ORDERS Skanska to show cause why this case should not  
2 be dismissed for lack of subject matter jurisdiction. If Skanska fails to provide the court  
3 with the information described above within seven (7) days of the date of this order, the  
4 case will be dismissed without prejudice. If Howell appears in this proceeding prior to  
5 the foregoing deadline, it may, but is not required to, respond to the court's order to show  
6 cause within the same timeframe.

Dated this 26th day of March, 2019.



JAMES L. ROBART  
United States District Judge

limited partnership whose partners included limited liability companies by looking to the citizenship of the members of those limited liability companies). This process continues until every layer of limited liability company membership has been reduced to the domicile of its individual members.